

COMMISSION NOTICE OF NEW PROCEDURE

The Commission has initiated a new procedure that will advance claims to resolution more efficiently, thereby saving the parties both time and money. The new procedure results in the following changes:

1. Claims are assigned to an Administrative Judge when the Petition to Controvert is filed. Under the former procedure, claims were assigned to an Administrative Judge when the employer/carrier filed an Answer.
2. The Administrative Judges determine on a case-by-case basis whether to grant employer/carrier additional time to file an Answer. All requests for additional time should note claimant's counsel's agreement to the extension or be filed as a motion and noticed for hearing in the usual manner. Under the former procedure, an automatic 30-day extension was granted upon request.
3. The discovery period (up to 120 days, unless extended) begins when the Answer is filed *or* on its original due date, whichever is earlier and regardless of any extension of time granted to file an Answer. Under the former procedure, the discovery period began when the Answer was filed.
4. The parties are responsible for the content of their pleadings.

Claimants' attorneys filing the Petition to Controvert should

- a. locate the proper MWCC number by using claimant's name/social security number to check the Commission website for a non-controverted file that appears to reference the same injury;
- b. determine whether the employer had worker's compensation insurance coverage on the date of injury by checking the POC (proof of coverage) portal on WCIS;
- c. list only one date of injury per Petition to Controvert;
- d. correctly identify the employer, county of injury and date of injury to prevent delays due to misinformation; and
- e. file an Attorney Fee Contact, if one is not already on file.

Upon receiving a copy of the Petition to Controvert from the Commission, an employer/carrier should expeditiously transfer the file to its attorney or to its TPA so that an attorney may be assigned and an Answer filed within 23 days. An employer/carrier may be sanctioned for failure to timely file an Answer without good cause under Miss. Code Ann. Section 71-3-59 (Rev. 2000). Failure to timely transfer the file to counsel so that counsel can file an Answer within 23 days will not constitute good cause, absent very exigent circumstances.